

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLE ANALYSIS:

Safeguard Individual Liberty—The bill increases the certification options for individuals seeking disabled parking permits, as further described below.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Under s. 320.0848, F.S., certain persons with disabilities are eligible for a disabled parking permit. The Department of Highway Safety and Motor Vehicles may issue a disabled parking permit for a period of up to 4 years to any person who has long-term mobility impairment, or a temporary disabled parking permit not to exceed 6 months to any person who has a temporary mobility impairment. The permit may be issued only to a person who is certified as being legally blind or who has certain listed disabilities that render him or her unable to walk 200 feet without stopping to rest. These disabilities include:

- The inability to walk without an assistance device;
- The need to permanently use a wheelchair;
- Respiratory disease;
- The use of portable oxygen;
- Cardiac condition; or
- Arthritic, neurological, or orthopedic condition.

For a person with such a disability to be eligible for the permit, his or her disability must first be certified to the Department of Highway Safety and Motor Vehicles by a physician (including osteopathic, chiropractic and podiatric physicians), or by an optometrist licensed in Florida. In addition, the certification may be made by an advanced registered nurse practitioner in a facility operated by the U.S. Department of Veterans Affairs under the protocol of a licensed physician, or by a physician's assistant in a facility operated by the U.S. Department of Veterans Affairs or operated by the Adjudication Office of the U.S. Department of Veterans Affairs. Out-of-state physicians may certify patients as disabled if the application for a disabled parking permit is accompanied by documentation of the physician's licensure in the other state and a form signed by the physician verifying knowledge of Florida's disabled parking permit eligibility guidelines.

Currently it is a first degree misdemeanor to make false or misleading statements in an application or certification for disabled parking permits, punishable as provided in ss. 775.082 or 775.083 F.S. Physicians (including osteopathic, chiropractic and podiatric physicians) licensed in Florida are subject to disciplinary action for violation of the provisions governing disabled parking permits under ss. 458.331, 459.015, 460.413 or 461.013, F.S. Physician's assistants are subject to disciplinary action for violation of the provisions governing disabled parking permits under ss. 458.331 and 459.015, F.S.

As previously noted, optometrists licensed under chapter 463, F.S., also may certify a person as disabled for the purpose of obtaining a disabled parking permit. Subsection (9) of s. 320.0848, F.S., which provides for disciplinary actions against the various medical professional pursuant to their licensing statutes for violations of the provisions governing the issuance of disabled parking permits, does not include the optometrist disciplinary section of law, s. 463.016, F.S.

Effect of Proposed Changes

HB 63 w/CS expands the class of medical personnel who are authorized to certify a person as disabled for the purposes of proving eligibility for a disabled parking permit. The bill provides that all advanced registered nurse practitioners licensed under chapter 464, F.S., under the protocol of a licensed physician, and all physician

assistants licensed under chapters 458 or 459, F.S., are eligible to make disability determinations for parking permits.

By expanding the class of medical personnel who can certify disabilities, the bill may make it easier for some persons with disabilities to obtain a disabled parking permit. For example, if a disabled person is a patient at a clinic or other medical facility which is not affiliated with the U.S. Department of Veterans Affairs, the certification for a disabled parking permit could be made by an advanced registered nurse practitioner or physician assistant instead of by a medical doctor or other physician.

This bill also provides for disciplinary actions against advanced registered nurse practitioners under s. 464.018, F.S., and against optometrists under 463.016, F.S., if either profession violates the disabled parking permit provisions of s. 320.0848, F.S.

This bill does not appear to adversely affect Florida's disabled veterans. This bill does not appear to erode their access to disabled parking permits. It extends a medical benefit, which has been exclusive to them at United States Department of Veterans Affairs facilities, to all disabled citizens of Florida.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.0848(1) and (9), F.S., to authorize all advanced registered nurse practitioners and all physician assistants to certify persons as disabled for the purposes of proving eligibility for a disabled parking permit. Also provides for disciplinary actions against advanced registered nurse practitioners who violate the provisions governing disabled parking permits.

Section 2. Provides that this bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

There are no known or expected fiscal impacts on state government revenues.

2. Expenditures:

There are no known or expected fiscal impacts on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

There are no known or expected fiscal impacts on local government revenues.

2. Expenditures:

There are no known or expected fiscal impacts on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

By expanding the class of medical personnel who can certify disabilities, the bill may make it less costly for some persons with disabilities to obtain a disabled parking permit. The amount of cost savings for such individuals is unknown.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 25, 2005, the Committee on Transportation amended HB 63 to provide for disciplinary actions against advanced registered nurse practitioners under s. 464.018, F.S., if they violate the disabled parking permit provisions of s. 320.0848, F.S. The committee then voted 15-0 to report the bill favorably with committee substitute.

The State Infrastructure Council considered HB 63 w/CS on March 15, 2005, and adopted an amendment which provided for disciplinary actions against optometrists under s. 463.016, F.S., if they violate the disabled parking permit provisions of s. 320.0848, F.S. This provision was apparently omitted when optometrists were authorized to certify persons as eligible for the permits. The bill was reported favorably with council substitute on a 9-0 vote.